



*Congress of the United States
House of Representatives
Washington, D. C. 20515*

0108

*Anna G. Eshoo
Fourteenth District
California*

February 5, 2013

The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: WT Docket No. 11-49

Dear Chairman Genachowski,

I write to urge you to promptly consider the request of Progeny LMS, LLC for authority to begin using its licensed spectrum in portions of the 902-928 MHz band for the purpose of providing position location services to support emergency first responders.

As you know, I've long been a champion of advances in 9-1-1 technology, including the implementation of E9-1-1 and most recently the transition to Next Generation 9-1-1, which will enable emergency dispatch centers to accept photos, videos and text messages.

With more than 396,000 9-1-1 calls made through wireless devices each day, the need for accurate and reliable location services is increasingly clear. As the Commission has acknowledged (most recently in its 2011 Third Report and Order on wireless E9-1-1) such indoor limitations on location accuracy are a "significant public safety concern" that requires development of technical solutions.

In October 2012, I had an opportunity to visit the Sunnyvale, California facilities of Progeny and its parent company, NextNav Holdings LLC. Progeny/NextNav are responding to the need for improved indoor location accuracy by constructing a nationwide network that is designed to provide highly accurate location services using spectrum that was specifically allocated by the Commission for Multilateration Location and Monitoring Services (M-LMS).

The capabilities of the Progeny/NextNav network were tested in December 2012 by a working group of the Commission's Communication's Security, Reliability and Interoperability Council (CSRIC). Although the results of these tests have not yet been released, I understand that your office is reviewing them and they are very encouraging.



I recognize that the 902-928 MHz band is a shared band, used by many different types of wireless services, including millions of unlicensed devices such as baby monitors, cordless telephones, automatic meter readers, RFID and other devices. As a strong supporter of unlicensed innovation, I believe it's important that the 902-928 MHz band remain available for unlicensed devices, while ensuring that Progeny's location service does not cause unacceptable levels of interference to unlicensed services.

To ensure that the Progeny/NextNav position location network can continue to operate in the 902-928 MHz band without causing unacceptable levels of interference to other important spectrum users, I understand that the Commission directed Progeny to conduct field testing of the spectrum sharing capabilities of its network in cooperation with manufacturers and users of unlicensed devices that operate in the 902-928 MHz band. These field tests were reportedly conducted beginning in 2011 and continuing through much of 2012. I understand that your staff is reviewing the results of the field tests along with comments that were filed after the Commission twice placed the test results on public notice for comment.

As the National Emergency Number Association ("NENA") explained in a December 21, 2012 letter that it filed with the Commission, the "development and deployment of advanced location technologies is critical to the future of emergency calling systems and public safety response capabilities" and for this purpose "we [...] consider it important to support the Multilateration-Location and Monitoring Service."

I concur with these sentiments and I urge you and your staff to complete its review of the test reports expeditiously. Thank you in advance for your timely consideration of Progeny/NextNav's request to improve the indoor location accuracy of 9-1-1 calls.

Sincerely,



Anna G. Eshoo
Ranking Member
Communications and Technology Subcommittee
Energy and Commerce Committee

cc: Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai



FEDERAL COMMUNICATIONS COMMISSION

April 23, 2013

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Anna G. Eshoo
Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter regarding Progeny LMS, LLC. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the FCC's Office of Engineering and Technology.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "Julius Genachowski", is written over a horizontal line.

Julius Genachowski



Federal Communications Commission
Washington, D.C. 20554

April 23, 2013

The Honorable Anna G. Eshoo
U. S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter dated February 5, 2013 regarding the testing reports filed by Progeny, the Wireless Internet Service Providers Association (WISPA), Itron and the Landis+Gyr Company concerning whether Progeny's Multilateration Location and Monitoring Service (M-LMS) equipment causes unacceptable interference to Part 15 devices operating in the 902-928 MHz band. You request that the Commission define "unacceptable interference" from the perspective of what would be an unacceptable consumer experience for tens of millions of Part 15 users. You believe that Progeny has not yet met the Commission's conditions to begin commercial operations.

As you have recognized, Progeny is a licensee in the M-LMS band that is also available for use by unlicensed devices under Part 15 of the Commission's rules. As a general matter, users of Part 15 devices are required to accept interference caused by licensed operations. However, the M-LMS rules require licensees to demonstrate through actual field tests that their operation will not cause unacceptable interference to Part 15 devices. Progeny performed field testing as required by the rules and submitted the results to the Commission. The Commission has sought comment on those testing results.

The staff is currently reviewing the test results and extensive record that has been compiled to date. We will place your letter in the record in WT Docket No. 11-49 so that it will be considered as part of the deliberative process.

I appreciate your interest in this very important matter.

Sincerely,

A handwritten signature in dark ink, reading "Julius P. Knapp". The signature is fluid and cursive, with the first name "Julius" being the most prominent.

Julius P. Knapp
Chief
Office of Engineering and Technology